

### REMARKS

Claims 1-26 were presented for examination and stand rejected. Claims 1, 12, 13, 14, and 22 have been amended; and claims 27 and 28 have been added. Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

In response to the attachment for PTO-948, Applicants submit new corrected drawings. Applicants respectfully request entry of the corrected drawings.

Claims 1-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Conmy (6,101,480) and further in view of Schuster (6,577,622 B1). In response, Applicants have amended claims 1, 12, 13, 14, and 22.

Claim 1 as amended recites:

A method of using a wireless scheduling device in communication with a wireless network facility to determine schedule availability for a set of attendees, the method comprising:

communicating an availability request to a server to view availability data set for the set of attendees using the wireless scheduling device, the server having access to the calendar data for each attendee in the set of attendees and to an indication of whether an attendee granted permission to access the calendar data; and

**receiving by the wireless scheduling device from the server the availability data set only for those attendees who have granted permission to access their calendar data.**  
(Emphasis added).

The claimed invention, as recited in claim 1, recites a method of using a wireless scheduling device to determine availability of a set of attendees. The method includes communicating an availability request to a server to view availability data for a set of attendees

and receiving availability data for the set of attendees who have granted permission to access the calendar data. Thus, when a user of a wireless scheduling device makes an availability request, only data for those attendees who have granted permission to access their calendar data is provided to the user of the wireless device. Claims 14 and 22 recite a system and a wireless communication device respectively for performing the method recited in claim 1.

Conmy does not disclose or suggest the claimed invention. Although Conmy provides a system and method for automatically finding available time for a meeting between a set of invitees based on invitees' availability, in Conmy the client device receives the availability data for all invitees that have been selected (as long as their data is stored in the database 200 or calendar connect unit 310) regardless of whether the invitee has granted permission to access his or her calendar data (Col. 8, lines 1-48, Figs. 5-9). Thus, Conmy does not disclose or suggest at least the step of "receiving the availability data set only for those attendees who have granted permission to access their calendar data."

Schuster fails to remedy the deficiency of Conmy. Schuster is directed to establishing a telephone conference call using a portable device such as a personal digital assistant ("PDA"). Schuster does not disclose or suggest that the wireless scheduling device receives from the server the availability data set only for those attendees who have granted permission to access their calendar data. Indeed, as shown in Fig. 8B of Schuster, all the PDA does is allow a user to select communication partners from an address book application located on the PDA (see Abstract). The list of partners is submitted to a voice communication device, such as a data network telephone. The data network telephone establishes the conference call without further interaction with the PDA. No data is transmitted back to the PDA except for an acknowledgement of the request for a conference call (Abstract). The acknowledgement information received from the

PDA does not include the availability data set for those attendees who have granted permission to access their calendar data, as claimed.

Since neither reference discloses or suggests at least “receiving by the wireless scheduling device from the server the availability data set only for those attendees who have granted permission to access their calendar data,” it follows that the combination of the references cannot disclose or suggest the claimed feature.

For at least the reasons discussed above, independent claims 1, 14, and 22 patentably distinguish over the cited references. Dependent claims 2-13, 15-21, and 23-27 variously depend from claims 1, 14, and 22 and are patentably distinct for at least the reasons cited above in connection with independent claims.

Newly added claim 28 recites:

A system for determining availability of a set of attendees using a wireless scheduling device, the system comprising:  
an availability database for storing calendar data for an attendee and an indication of whether the attendee granted permission to access the calendar data; and  
a server in communication with the database, the server adapted to receive an availability request from the wireless scheduling device to view the attendee's availability data, search the calendar data for the attendee to produce availability data, **and transmit to the wireless scheduling device the availability data only for those attendees who have granted permission to access their calendar data.** (Emphasis added).

The claimed invention, as recited in claim 28, is a system for determining availability of a set of attendees using a wireless device. The system of claim 28 receives an availability request from the wireless scheduling device and provides to the user of the wireless scheduling device availability data only for those attendees who have granted permission to access their calendar data, as claimed.

Conmy does not disclose or suggest the claimed invention. As previously described, although Conmy provides a system and method for automatically finding available time for a meeting between a set of invitees based on invitee's availability, in Conmy the server transmits the availability data for all invitees' that have been selected (as long as the calendar data is stored in a database or in a calendar connect unit) regardless of whether the invitee has granted permission to access his or her calendar data (Col. 8, lines 1-48, Figs. 5-9). Thus, Conmy does not disclose or suggest the step of transmitting the availability data only for those attendees who have granted permission to access their calendar data.

Schuster fails to remedy the deficiency of Conmy. As previously described, in Schuster, no data is transmitted back to the PDA except for an acknowledgement of the request for a conference call (Abstract). The acknowledgement information received from the PDA does not include "the availability data only for those attendees who have granted permission to access their calendar data."

Since neither reference discloses or suggests the step of transmitting the availability data for those attendees who have granted permission to access the calendar data, it follows that the combination of the references cannot disclose or suggest the claimed feature. Accordingly, claim 28 is patentable over the cited references.

### Conclusion

In sum, Applicants respectfully submit that claims 1-28, as presented herein, are patentably distinguishable over the cited reference (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of these claims. Applicants respectfully submit that the attorney docket number 2378-104 for this patent application has been changed to a new attorney docket number 24264-09320.

Respectfully submitted,  
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Date: August 9, 2004

By: \_\_\_\_\_



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